

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY lg D.C.
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THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF TENN. MEMPHIS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RONNIE PERKINS,

Defendant.

Cr. No. 04-20131 BP

ORDER DENYING DEFENDANT RONNIE PERKINS'S MOTION FOR "CONFLICT-FREE" COUNSEL

Before the court is Defendant Ronnie Perkins's Motion for "Conflict-Free" Counsel, filed on August 8, 2005 (dkt #77). The matter was referred to the United States Magistrate Judge on August 26, 2005. For the following reasons, the motion is DENIED.

On March 16, 2004, Perkins was indicted for being a felon in possession of a firearm, in violation of 18 U.S.C. 922(g). On May 19, 2004, the court appointed counsel to represent Perkins in this case. Perkins entered a guilty plea on March 7, 2005, and was later sentenced to a term of imprisonment for 110 months. On July 25, 2005, Perkins (through his attorney) filed an appeal of the final judgment and sentence with the Court of Appeals for the Sixth Circuit.

In the present motion, Perkins requests the court to appoint

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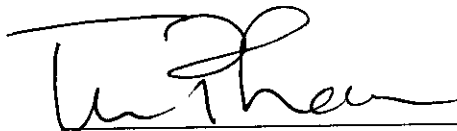
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"conflict-free" counsel to represent him in his appeal to the Court of Appeals. A criminal defendant represented by counsel has a right to counsel free from any conflicts of interest. Strickland v. Washington, 466 U.S. 668, 688 (1984). This right extends to criminal defendants seeking appellate review of their convictions. Douglas v. California, 372 U.S. 353, 356-58 (1963) (extending Sixth Amendment right to counsel to first appeal by right from conviction); Ward v. Wolfenbarger, 323 F.Supp.2d 818, 828 (E.D. Mich. 2004) (noting that entitlement to effective assistance of counsel extends to first appeal by right).

In the present motion, however, Perkins has failed to make any showing that his current counsel is limited in his representation of Perkins by a conflict of interest. Perkins has not provided the court with any basis or explanation for his request for the appointment of new counsel. Without such a showing, the court must deny Perkins's motion.

For the reasons above, Defendant's motion is DENIED.

IT IS SO ORDERED.



TU M. PHAM

United States Magistrate Judge

September 7, 2005
Date



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Honorable J. Breen
US DISTRICT COURT